

Introduced by Senator Dutton

February 24, 2012

An act to amend Section 11349.3 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1414, as introduced, Dutton. Administrative regulations and rulemaking.

Existing law requires the Office of Administrative Law to either approve a regulation submitted to it for review and transmit it to the Secretary of State for filing, or disapprove the regulation within 30 working days after the regulation was submitted to the office for review, as specified.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11349.3 of the Government Code is
- 2 amended to read:
- 3 11349.3. (a) The office shall either approve a regulation
- 4 submitted to it for review and transmit it to the Secretary of State
- 5 for filing or disapprove it within 30 working days after the
- 6 regulation has been submitted to the office for review. If the office
- 7 fails to act within 30 days, the regulation shall be deemed to have
- 8 been approved, and the office shall transmit it to the Secretary of
- 9 State for filing.

- 1 (b) If the office disapproves a regulation, it shall return it to the
2 adopting agency within the 30-day period specified in subdivision
3 (a) accompanied by a notice specifying the reasons for disapproval.
4 Within seven calendar days of the issuance of the notice, the office
5 shall provide the adopting agency with a written decision detailing
6 the reasons for disapproval. No regulation shall be disapproved
7 except for failure to comply with the standards set forth in Section
8 11349.1 or for failure to comply with this chapter.
- 9 (c) If an agency determines, on its own initiative, that a
10 regulation submitted pursuant to subdivision (a) should be returned
11 by the office prior to completion of the office's review, it may
12 request the return of the regulation. All requests for the return of
13 a regulation shall be memorialized in writing by the submitting
14 agency no later than one week following the request. Any
15 regulation returned pursuant to this subdivision shall be resubmitted
16 to the office for review within the one-year period specified in
17 subdivision (b) of Section 11346.4 or shall comply with Article 5
18 (commencing with Section 11346) prior to resubmission.
- 19 (d) The office shall not initiate the return of a regulation pursuant
20 to subdivision (c) as an alternative to disapproval pursuant to
21 subdivision (b).